

To: Reyes, Deldi[Reyes.Deldi@epa.gov]
From: Maier, Brent
Sent: Tue 9/15/2015 5:47:02 PM
Subject: Kathleen Johnson Message on Sen. Dianne Feinstein Inquiry: Follow Up on Inquiry to EPA on NPL Site Listing Process and Status of Exide Settlement

Please see the attached message from Kathleen. Wanted to be sure you saw.

Brent Maier

Congressional Liaison

U.S. Environmental Protection Agency, Region IX

75 Hawthorne St. (OPA-3)

San Francisco, CA 94105

Ph: 415.947.4256

From: Johnson, Kathleen
Sent: Tuesday, September 15, 2015 10:45 AM
To: Maier, Brent; Jones, Joel E.; Christenson, Kara; Armann, Steve
Cc: Huetteman, Tom; Keener, Bill
Subject: RE: Sen. Dianne Feinstein: Follow Up on Inquiry to EPA on NPL Site Listing Process and Status of Exide Settlement

Given that the state has the lead – they are the signatories on these documents, the inquiry should really be directed to the state. This seems very awkward.

Kathleen H. Johnson

Director, Enforcement Division

U.S. EPA - Region 9

75 Hawthorne Street ENF-1

San Francisco, CA 94015

415/972-3873

johnson.kathleen@epa.gov

From: Maier, Brent

Sent: Tuesday, September 15, 2015 9:40 AM

To: Jones, Joel E.; Christenson, Kara; Armann, Steve

Cc: Huetteman, Tom; Keener, Bill; Johnson, Kathleen

Subject: Sen. Dianne Feinstein: Follow Up on Inquiry to EPA on NPL Site Listing Process and Status of Exide Settlement

Importance: High

Joel/Kara – Please see the follow up note I received from Ken Rooney included below on the Exide issue he raised to me yesterday.

Steve – From the RCRA side, Ken is trying to learn more about other agreement/s controlling Exide's remedial actions and whether there are there any other publicly-available documents, other than those provided by the LA Times at the link he provided, that we can provide as it pertains to Exide's cleanup?

Please take a look at the link he sent. **I think it would be good to have someone on a call with me when I call him back to talk through exactly what he is seeking and am trying to figure out who the best person would be for me to have on the call.**

Brent Maier

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From: Rooney, Kenneth (Feinstein) [mailto:Kenneth_Rooney@feinstein.senate.gov]
Sent: Tuesday, September 15, 2015 8:31 AM
To: Maier, Brent
Cc: Keener, Bill
Subject: RE: Follow Up on Inquiry to EPA on NPL Site Listing Process and Status of Exide Settlement

Thanks, Brent. Some follow-up:

I thought that Exide had entered into a non-prosecution agreement with USAO (<http://documents.latimes.com/exide-non-prosecution-agreement/>). If possible, do you all have an outline of what other settlement agreements were finalized, possibly with DTSC?

I'm trying to figure out what other agreement/s is controlling Exide's remedial actions. Are there any other publicly-available documents, other than those provided by the LA Times, that you can provide as it pertains to Exide's cleanup?

It may be easier to talk through what exactly I'm looking for so I can provide some context.

Thanks,

Ken

From: Maier, Brent [<mailto:Maier.Brent@epa.gov>]
Sent: Monday, September 14, 2015 6:58 PM
To: Rooney, Kenneth (Feinstein) <Kenneth_Rooney@feinstein.senate.gov>
Cc: Keener, Bill <Keener.Bill@epa.gov>
Subject: Follow Up on Inquiry to EPA on NPL Site Listing Process and Status of Exide

Settlement

Ken Rooney

Office of Sen. Dianne Feinstein

Ken –

As a follow up to your inquiry, you had raised three issues for me to get back to you on and they included the following:

1. Steps in listing process for sites to be placed on EPA's National Priorities List (NPL)

Link to EPA website with information on NPL listing process:

http://www.epa.gov/superfund/sites/npl/npl_hrs.htm

National Priorities List (NPL) - Basic Information - Sites are listed on the National Priorities List (NPL) upon completion of Hazard Ranking System (HRS) screening, public solicitation of comments about the proposed site, and after all comments have been addressed. More information about these steps in the process can be found here:

- [Introduction to the HRS](#)
- [How Sites are Placed on the NPL](#)
- [Public Comment Process](#)
- [How Sites are Deleted from the NPL](#)
- [Notice of Policy Change for Partial Deletion from the NPL](#)

The NPL primarily serves as an information and management tool. It is a part of the Superfund [cleanup process](#). The NPL is updated periodically. The [Federal Register](#)

Notices for NPL Updates page provides a list of Federal Register Notices for proposed and final NPL Updates. The list is ordered by year and provides the rule type, rule date, FR citation, and a short content description for each FR.

Section 105(a)(8)(B) of CERCLA (CERCLA Overview) as amended, requires that the statutory criteria provided by the HRS be used to prepare a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. This list, which is Appendix B of the National Contingency Plan, is the NPL.

The identification of a site for the NPL is intended primarily to guide EPA in:

- determining which sites warrant further investigation to assess the nature and extent of the human health and environmental risks associated with a site;
- identifying what CERCLA-financed remedial actions may be appropriate;
- notifying the public of sites EPA believes warrant further investigation; and
- serving notice to potentially responsible parties that EPA may initiate CERCLA-financed remedial action.

Inclusion of a site on the NPL does not in itself reflect a judgment of the activities of its owner or operator, it does not require those persons to undertake any action, nor does it assign liability to any person. The NPL serves primarily informational purposes, identifying for the States and the public those sites or other releases that appear to warrant remedial actions.

2. Does a settlement with Exide have any impact on listing process?

I spoke with Joel Jones who is a Branch Chief in our Enforcement Division's Air Waste and Toxics and they told me that since Exide is a pending enforcement matter, we are not able to provide any update on the status of negotiations or settlement. However, generically, an enforcement action would have no impact on the listing process.

3. Requested a copy of settlement if available.

Since this is still a pending enforcement matter, no settlement has been reached, and therefore, no copy of a settlement is available.

Please let me know if you have any questions or need any additional information.

Regards,

Brent Maier

Congressional Liaison

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